

Attorney Grievance Procedures in Connecticut

***Your Rights
as a Complainant
in the
Grievance Process***



***State of Connecticut Judicial Branch
www.jud.state.ct.us***

To the Reader:

This pamphlet is designed to help you understand attorney grievance procedures in Connecticut. It explains what a grievance is, how to file a grievance complaint and what will happen procedurally after a grievance complaint is filed. It also provides information about other action that you may want to consider.

Please read this pamphlet carefully. It contains important information that you should know before you decide whether to file a grievance complaint.

The information contained in this pamphlet is applicable to grievance complaints filed on or after January 1, 2004. For grievance complaints filed before January 1, 2004, please refer to the previous version of this pamphlet, JD-GC-8 Rev. 12-2000, which is available on the Judicial Branch website at www.jud.state.ct.us.

1. What is a grievance?

A grievance is a complaint by any person charging an attorney with misconduct related to his or her character, integrity, professional standing or conduct.

Grievance procedures pertain to conduct that occurs both within and outside a courtroom.

2. What is the purpose of attorney grievance proceedings?

The purpose of attorney grievance proceedings is to determine whether attorneys have engaged in unethical conduct and to discipline attorneys who have been found to have done so.

3. What standards govern attorney conduct?

The Rules of Professional Conduct provide a framework for the ethical practice of law. The judges of the Superior Court approved these rules to guide attorneys in their professional conduct. If you wish to review them, the rules may be found in the Connecticut Practice Book at any Superior Court law library or on the Judicial Branch website at www.jud.state.ct.us.

4. Should I file a grievance complaint?

Many problems can be resolved through a candid discussion with your attorney. Tell your attorney that you are dissatisfied and ask for a full explanation of the matter involved. If you are unable to resolve your differences and you believe your complaint involves misconduct, you may file a grievance complaint.

5. What if I believe the attorney's fee was excessive?

If you believe that the fee charged to you was excessive, you should discuss the matter with your attorney. Many fee disputes involve a lack of communication between attorneys and clients regarding the basis for the fee or factors that go into charges made by attorneys for their services. Fee matters are not ordinarily the basis for discipline of a lawyer because they usually do not involve questions of professional misconduct. In cases that do, such as illegal or clearly excessive fees, or failure to have a written fee agreement, an attorney may be disciplined.

If you are unable to reach an understanding with your attorney, the matter, like any other dispute over the value of services, may be resolved by filing a civil lawsuit. As an alternative, the Connecticut Bar Association, a voluntary association of lawyers, has a Resolution of Legal Fee Disputes Program, which may consider complaints concerning allegedly excessive fees. Complainants in these cases should contact the Connecticut Bar Association to obtain a copy of its rules and the necessary forms. These forms should be submitted directly to the Connecticut Bar Association, 30 Bank Street, P.O. Box 350, New Britain, CT 06050-0350.

6. How do I file a grievance complaint?

Complete and sign under penalties of false statement a Complaint Against Attorney form, which is available on the Judicial Branch website or at each Clerk's Office of the Superior Court. Provide enough details (names, dates, addresses, pertinent documentation, etc.) on the form to serve as a basis for investigation. Once you complete the form, mail it to:

Statewide Bar Counsel
287 Main Street, Suite 2, 2nd Floor
East Hartford, Connecticut 06118-1885

There is no charge for filing a grievance complaint.

7. What will happen after I file my complaint?

The Statewide Bar Counsel reviews your complaint and either: (a) forwards it to a grievance panel for an investigation; or (b) if it meets the following criteria for dismissal of a complaint, refers it to two members of the Statewide Grievance Committee:

- (A) the complaint alleges a fee dispute only and not that the fee is clearly excessive or improper;
- (B) the complaint does not allege facts which, if true, would be a violation of a rule governing attorney conduct;
- (C) the complaint does not contain sufficient specific allegations on which to conduct an investigation;
- (D) the complaint duplicates a previously dismissed complaint;
- (E) with some exceptions, the complaint alleges that the last act or omission constituting the alleged misconduct occurred more than six years prior to the date on which the complaint was filed (if the last act or omission occurred more than six years before the date on which the complaint was filed, you may wish to review Practice Book § 2-32(a)(2)(E) to see if an exception applies to your case);
- (F) the complaint alleges misconduct occurring in a court action and the court has issued a decision finding misconduct or finding that either no misconduct has occurred or that the allegations should not be referred to the Statewide Grievance Committee;
- (G) the complaint alleges personal behavior outside the practice of law that does not violate the Rules of Professional Conduct;
- (H) the complaint alleges the failure to pay a debt;
- (I) the complaint names only a law firm or other entity and not any individual attorney, unless dismissal would result in gross injustice;
- (J) the complaint alleges misconduct occurring in another jurisdiction in which the attorney is also admitted and maintains an office to practice law, and it would be more practicable for the matter to be determined in the other jurisdiction.

(If you would like to review the complete text of the dismissal rules, please refer to Connecticut Practice Book § 2-32(a)(2).)

If the complaint is referred to two members of the Statewide Grievance Committee, they will either dismiss it or forward it to a grievance panel for an investigation. A dismissal at this early stage in the proceedings will allow you to seek relief, if relief is available, in another forum.

If the complaint is forwarded to a grievance panel, the Statewide Bar Counsel will notify the attorney of your complaint and advise the attorney that a response is required.

8. What is a grievance panel?

There are one or more grievance panels in each of the state's 13 judicial districts. A grievance panel is composed of one person who is not an attorney and two attorneys whose law offices are in judicial districts outside that in which the panel serves. Each panel also has an alternate member who is an attorney. No attorney member may hear a complaint against an attorney who has a law office in the same judicial district as the member.

9. What actions may be taken if a complaint is forwarded to a grievance panel?

The grievance panel will investigate the complaint. It may hold a hearing as part of its investigation. It will determine whether or not there is probable cause to believe that the attorney is guilty of misconduct.

A copy of the grievance panel's probable cause determination will be sent to you, to the attorney who is the subject of the complaint, and to the Statewide Grievance Committee, ordinarily not more than 140 days from the date of referral to the panel.

10. What is the Statewide Grievance Committee?

The Statewide Grievance Committee has the authority to conduct further review of some of the grievance panel's determinations.

The Committee consists of 21 members, at least seven of whom are not attorneys. The Statewide Grievance Committee may act as a full committee or through subcommittees known as reviewing committees.

11. What actions may be taken by the Statewide Grievance Committee after a grievance panel finds no probable cause that the attorney is guilty of misconduct?

If the grievance panel determines that probable cause does not exist, it will dismiss the complaint without further review by the Statewide Grievance Committee unless the complaint alleges that the attorney committed a crime, in which case it will be reviewed by the Statewide Grievance Committee or a reviewing committee. If the grievance panel determines that probable cause of misconduct does exist, the Statewide Grievance Committee or a reviewing committee will conduct a hearing that is open to the public.

12. What actions may be taken by the Statewide Grievance Committee after probable cause is found?

If it is determined that probable cause of misconduct exists, the Statewide Grievance Committee or a reviewing committee conducts a hearing that is open to the public.

After the hearing, the Statewide Grievance Committee or a reviewing committee may decide to dismiss the complaint, to impose sanctions and conditions against the attorney, or to direct that the attorney be brought before the Superior Court for reprimand, suspension or disbarment in a proceeding known as a presentment.

The Statewide Grievance Committee or a reviewing committee may impose the following sanctions and conditions:

- (1) reprimand;
- (2) restitution, for example, return of property belonging to the complainant;
- (3) assessment of costs;
- (4) an order that the attorney return a client's file to the client;
- (5) a requirement that the attorney attend continuing legal education courses, at his or her own expense, regarding one or more areas of substantive law or law office management;
- (6) an order to submit to fee arbitration;
- (7) with the attorney's consent, an order to submit to periodic audits and supervision of the attorney's trust accounts;
- (8) with the attorney's consent, a requirement that the attorney undertake treatment, at his or her own expense, for medical, psychological or psychiatric conditions or for problems of alcohol or substance abuse.

After conducting a hearing, the Statewide Grievance Committee or the reviewing committee issues a final decision containing one of the orders stated above. A copy of the final decision will be sent to you, the attorney against whom you complained, and to the Statewide Grievance Committee (if the hearing is conducted by a reviewing committee) ordinarily not later than 120 days from the date of referral to the reviewing committee. The final decision is a public record, unless the complaint is dismissed.

13. Will I receive any assistance with my grievance complaint?

Upon referral of your complaint to a grievance panel, counsel to the panel can assist you in understanding the grievance process and to answer questions you may have concerning that process. If the panel dismisses your complaint, counsel to the panel can assist you in understanding the reasons for the dismissal. Disciplinary

Counsel also will pursue all complaints referred to the Statewide Grievance Committee after a finding of a probable cause is made by a grievance panel, the Statewide Grievance Committee, or a reviewing committee.

14. What if the attorney is presented to the Superior Court?

A presentment is an action taken to the Superior Court by Disciplinary Counsel asking the court to impose appropriate discipline, including suspension or disbarment from the practice of law.

A public trial may be held and the court may dismiss the presentment or may impose discipline (including reprimand, suspension or disbarment).

15. Can I recover financial losses?

The Statewide Grievance Committee may order an attorney to make restitution to a complainant. The committee does not automatically impose this sanction upon a finding of ethical misconduct. Therefore, if you have sustained any financial loss as a result of an attorney's conduct, you also may want to file a lawsuit against the attorney.

In addition, the Connecticut Judicial Branch has established a Client Security Fund, from which payment of a portion of any loss suffered may be made in certain limited types of cases involving professional misconduct. Information about the fund can be obtained from the:

Client Security Fund
287 Main Street, Suite 1, Second Floor
East Hartford, Connecticut 06118-1885
Telephone: (860) 568-3450

16. May I receive legal advice?

No. Such advice is beyond the authority of the grievance panels and the Statewide Grievance Committee.

Filing a Grievance

To file a grievance complaint against an attorney, complete the Complaint Against Attorney form, which is available on the Judicial Branch website and in every Clerk's Office of the Superior Court, and send it to:

Statewide Bar Counsel
287 Main Street, Suite 2, 2nd Floor
East Hartford, Connecticut 06118-1885
Telephone: (860) 568-5157

If you have questions after reading this pamphlet, you may call or write the Office of the Statewide Bar Counsel at the above address and telephone number. You also may review the rules that govern the grievance process. They are found in the Connecticut Practice Book at any Superior Court law library or on the Judicial Branch website. For the address of the nearest court location, consult your telephone directory or contact the Statewide Bar Counsel.

Conclusion

The Statewide Grievance Committee and the grievance panels seek fair and impartial enforcement of the Rules of Professional Conduct. Since this pamphlet cannot possibly cover the entire grievance mechanism and is not designed as a substantive guide to the law, the Office of the Statewide Bar Counsel is available to answer your procedural questions.

Additional copies of this pamphlet may be obtained at any Superior Court Clerk's office or from the Judicial Branch website.

